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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,040	09/29/2003	Durga Prasad Malladi	030245	2580

23696 7590 08/03/2010  
QUALCOMM INCORPORATED  
5775 MOREHOUSE DR.  
SAN DIEGO, CA 92121

EXAMINER
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NGUYEN, KHAI MINH

ART UNIT	PAPER NUMBER
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2617

NOTIFICATION DATE	DELIVERY MODE
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08/03/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

us-docketing@qualcomm.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/674,040	<b>Applicant(s)</b> MALLADI ET AL.	
	<b>Examiner</b> KHAI M. NGUYEN	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 4, 10-12, 14-18, 20-30 and 32-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4, 10-12, 14-18, 20-30, 32-40, 47-53, and 57 is/are allowed.
- 6) ☒ Claim(s) 41-46 and 54-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/9/2010</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 41-46 and 54-56 are rejected under 35 U.S.C. 101 because the claims are directed towards non-statutory subject matter.

With respect to claims 41-46 and 54-56, the claims are not limited to tangible embodiments. The claims recited a processor-readable medium. It can be reasonably interpreted that the processor -readable medium would include embodiments including propagation media, such as carrier waves, which fail to establish a statutory category of invention. Amending the specification as well as the claim to recite "a non-transitory processor -readable medium" is believed to be sufficient to overcome this rejection.

### ***Allowable Subject Matter***

3. Claims 4, 10-12, 14-18, 20-30, 32-40, 47-53, and 57 are allowed.

Applicant's independent claims 4, 21, 33, and 39: The present invention is directed to a wireless communication system, the independent claim identifies the patentably distinct feature "wherein the transmission parameter comprises a frame size, wherein if the mobile station is directed to enter soft handoff, the frame size is set to a first size and wherein if the mobile station is directed to leave soft handoff, the frame size is set to a second size, wherein the first size is greater than the second size, and wherein the first size is 10 ms and the second size is 2 ms". Applicant's independent

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claims 4, 15, 21 and 33 comprise a particular combination of elements, which is neither taught nor-suggested by prior art.

Applicant's independent claim 10: The present in invention is directed to a mobile station configured to operate in a wireless communication system, the independent claim identifies the patentably distinct feature "wherein the transmission parameter comprises comprising a frame size defining a time over which a frame of data is transmitted, wherein the processing subsystem sets the frame size to a first value or a second value in response to detecting that the mobile station is entering or leaving soft handoff; and wherein the transceiver subsystem is further configured to transmit data on a reverse link of the wireless link in accordance with the frame size". Applicant's independent claim 10 comprises a particular combination of elements, which is neither taught nor-suggested by prior art.

Applicant's independent claim 15: The present in invention is directed to a mobile station configured to operate in a wireless communication system, the independent claim identifies the patentably distinct feature "wherein the processing subsystem is configured to set a transmission parameter of the wireless link for the transceiver subsystem in response to detecting that the mobile station is entering or leaving soft handoff, to detect that the mobile station is entering or leaving soft handoff based upon a received handoff direction message (HDM), to set the transmission parameter to a first value if the HDM directs the mobile station to enter soft handoff, and to set the transmission parameter to a second value if the HDM directs the mobile station to leave soft handoff, wherein the transmission parameter comprises a frame size defining a

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time over which a frame of data is transmitted, and wherein the first value is greater than the second value". Applicant's independent claim 15 comprises a particular combination of elements, which is neither taught nor-suggested by prior art.

Applicant's independent claim 18: The present in invention is directed to method implemented in a wireless communication system , the independent claim identifies the patentably distinct feature "modifying a transmission parameter of the wireless link for the mobile station in response to detecting the mobile station entering or leaving soft handoff; wherein the transmission parameter comprises a frame size defining a time over which a frame of data is transmitted, wherein if the mobile station is detected entering soft handoff, the frame size is set to a first size and wherein if the mobile station is detected leaving soft handoff, the frame size is set to a second size".

Applicant's independent claim 18 comprises a particular combination of elements, which is neither taught nor-suggested by prior art.

Applicant's independent claims 27, 34: The present in invention is directed to a method and apparatus implemented in a wireless communication system, the independent claim identifies the patentably distinct feature "if the mobile station is entering soft handoff, setting a transmission parameter of the wireless link to a first value; and if the mobile station is leaving soft handoff, setting the transmission parameter of the wireless link to a second value; wherein the transmission parameter comprises frame size defining a time over which a frame of data is transmitted".

Applicant's independent claims 27 and 34 comprise a particular combination of elements, which is neither taught nor-suggested by prior art.

Applicant's independent claim 53: The present in invention is directed to an apparatus for wireless communication system, the independent claim identifies the patentably distinct feature "means for modifying a transmission parameter of the wireless link for the mobile station in response to detecting the mobile station entering or leaving soft handoff; wherein the transmission parameter comprises a frame size defining a time over which a frame of data is transmitted, wherein if the mobile station is detected entering soft handoff, the frame size is set to a first size and wherein if the mobile station is detected leaving soft handoff, the frame size is set to a second size".

Applicant's independent claim 53 comprises a particular combination of elements, which is neither taught nor-suggested by prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAI M. NGUYEN whose telephone number is (571)272-7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached on 571.272.7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/AJIT PATEL/  
Primary Examiner, Art Unit 2617

/Khai M Nguyen/  
Examiner, Art Unit 2617

7/28/2010